

# UNITED STATES DISTRICT COURT

for the

District of Massachusetts

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2023 OCT 26 PM 12:20

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Miguel Santana

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Boston Public Schools

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☐ Yes ☐ No

## COMPLAINT FOR A CIVIL CASE

### I. The Parties to This Complaint

#### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Miguel Santana

Street Address

270 Neponset Valley Parkway

City and County

Hyde Park

State and Zip Code

Massachusetts 02136

Telephone Number

857-318-5521

E-mail Address

tuocerebro@yahoo.com

#### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 09/16) Complaint for a Civil Case

Defendant No. 1

Name

Boston Public Schools

Job or Title (if known)

Street Address

2300 Washington Street

City and County

Roxbury

State and Zip Code

Massachusetts 02119

Telephone Number

617-635-9000

E-mail Address (if known)

Defendant No. 2

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 3

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 4

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Title VII of the Civil Rights Act of 1964

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the  
State of *(name)* \_\_\_\_\_.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* \_\_\_\_\_, is incorporated  
under the laws of the State of *(name)* \_\_\_\_\_,  
and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* \_\_\_\_\_, is a citizen of  
the State of *(name)* \_\_\_\_\_. Or is a citizen of  
*(foreign nation)* \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because *(explain)*:

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

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**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

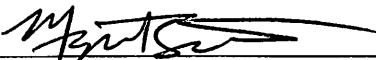
**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/18/2023

Signature of Plaintiff

Printed Name of Plaintiff

  
Miguel Santana

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Santana vs. Boston Public Schools

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Statement of Claim Cover

I experienced discrimination and was retaliated against by the Boston Publics schools.

I was sexually assaulted with an object by a student and nothing was done about it. I was subsequently terminated for telling a joke misinterpreted as sexual misconduct. The Office of Equity of Boston Public School did not go through with a thorough investigation of my claim of being sexual assaulted.

The three claims are described as per the order numbered 1-3 respectively.

Santana vs. Boston Public Schools

Statement of Claim #1

Facts pertaining to being sexually assaulted.

A student in a room full of students sexually assaulted me with an object during class. Many students were witness to this act. This occurred in the Spring of 2022. I sent an email to Principal Carolina Brito immediately afterwards. I can recall it was a Tuesday and for mental health reasons I took the following Wednesday and Thursday off. I felt I had to go into work that Friday for fear of being fired for missing 3 days without a doctor's note. The following week the first time I saw Carolina I asked her when we could meet to discuss what happened to me. She said "I'll let you know". I waited and that day never arrived. I can not provide this email sent to Carolina as my email account was no longer available to me since September 12, 2022. My email address was [msantana4@bostonpublicschools.org](mailto:msantana4@bostonpublicschools.org).

Santana vs. Boston Public Schools

Statement of Claim #2

Facts pertaining to being unjustly terminated

On September 12, 2022 I was asked to go home in the morning from the Rafael Hernandez school around 11:30am. I was put under investigation for sexual misconduct by Boston Public Schools. I had told a joke to a co-worker on September 6, 2022 that was construed as said sexual misconduct. Around 8:20am on September 12, 2022 a student witness to what happened to me in the spring (sexual assault) told me that the student who attacked me was in her class. I told her to ignore him and if he does or says anything to tell a teacher. She told me she didn't wish to be in the school and I replied by telling her that I would talk to the principal about what had happened. I never got the chance to see Carolina to discuss the assault because the next time I would see her she would send me home.



Santana vs Boston Public Schools

Statement of Claim #3

Facts pertaining to the Office of Equity of the Boston Public Schools

On Thursday, February 23<sup>rd</sup>, 2023 I called the Office of Equity to see what happened to my case of being sexually assaulted that I hoped had begun after February 10, 2023. The person I spoke to told me that their boss was busy and that soon the investigation would begin and that I would receive a phone call soon about it. On Monday, February 27, 2023 I received an email stating the investigation was over and that they didn't find any evidence of the sexual assault.

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2023 OCT 26 PM 12:21

Relief

I am asking the court to order compensatory and punitive damages to be received as remedies with a monetary sum to be decided by a jury. I continue to suffer from emotional distress and mental trauma that resulted from the sexual assault and defamation. I claim to be entitled to receive actual or punitive damages based on the claims presented against Boston Public Schools to be determined by a jury.

I have provided a document from the U.S. Equal Employment Opportunity Commission describing my notice of rights.

I provide Superintendent Circular number HRS-PP10 as evidence #2. Inside you can see that my crime of telling a joke did not warrant the punishment of being terminated. Considering Carolina wanted to not let it be known she did nothing when I was sexually assaulted it would make sense to terminate me. I would like to ask the courts to have Boston Public Schools submit my email to Carolina Brito in regards to the sexual assault as Evidence #1.

I provide a Hearing Appeal Results from the Department of Unemployment as Exhibit #1. It was seen that I did not engage in any type of sexual misconduct and a reversal was made based on the facts provided.

A complaining party may recover punitive damages if the defendant "engaged in a discriminatory practice or discriminatory practices with malice or with reckless indifference to the federally protected rights of an aggrieved individual" 42 U.S.C., 1981a.